UNITED STATES PATENT AND TRADEMARK OFFICE

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10/734,259	12/15/2003	Yasuhiko Nagaoka	0879-0435P	1479

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EXAMINER
ABDI, AMARA

ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
11/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 August 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2,4-13 and 15-26* is/are pending in the application.

    4a) Of the above claim(s) *3 and 14* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,4-13 and 15-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *12/25/2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Applicant's response to the last Office Action, filed August 19th, 2008 has been entered and made of record.

2.   In view of the Applicant amendments, the objection to claims 4 and 15 is expressly withdrawn.

3.   Applicant's arguments with respect to claims 1-2, 4-13, and 15-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 4-7, 9-10, 12, 15-18, 20-21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (US 2004/0264780) in view of Bhetanabhotla (US-PGPUB 2002/0167538).

(1) Regarding claims 1 and 12:

Zhang et al. disclose a computer-based method and system for organizing digital photos (paragraph [0004], line 1-2), comprising:

extracting face from a plurality of digital photos (206 in Fig. 2, paragraph [0042], line 6-7, and paragraph [0043], line 1-9);

cropping said plurality of digital photos to generate images of unknown isolated faces (804 and 806 in Fig. 8, Fig. 9, paragraph [0083], line 1-2), (806 is unknown face)

applying a face algorithm to determine the similarity of unknown isolated faces with a reference model (216 in Fig. 2, paragraph [0020], line 8-10);

displaying a plurality of objects (images of unknown isolated faces) arranged as a function of the determined similarity (191 in Fig. 1, paragraph [0036], line 1-5), (the function of the determined similarity is read as the candidate name list which is stored according to the similarity measure);

receiving user input (paragraph [0076], line 1-2) to associate faces with a particular classification (annotating of individual faces as multi-class classification) (paragraph [0076], line 11-13).

However, Zhang et al. do not teach explicitly wherein the classification is generated from a category list including a plurality of folders each containing a sub-folder for an individual member belonging to the particular classification.

Bhetanabhotla, in analogous environment, teaches a system of organizing information, wherein the classification is generated from a category list (paragraph [0127], lines 1-4) including a plurality of folders (categories) each containing a sub-folder (sub-categories) for an individual member belonging to the particular classification (paragraphs [0124], [0125], [0127]).

It is desirable to have digital photo albums that can be viewed chronologically, or people-wise or location-wise or according to several subjects. The Bhetanabhotla's approach, where the classification is generated from a category list including categories

and sub-categories is to achieve this goal. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to apply the Bhetanabhotla teaching, where the classification is generated from a category list including categories and sub-categories, with the Zhang et al. system, because such combination makes digital photo albums that can be viewed chronologically, or people-wise or location-wise or according to several subjects (paragraph [0043], lines 1-3).

(2) Regarding claims 4 and 15:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2), where isolated faces are displayed in a view that includes an area surrounding the face (Fig. 3 and 4, paragraph [0043], line 3-4).

(3) Regarding claims 5 and 16:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2) comprising annotating image faces based on said classification (paragraph [0042], line 1-3; and paragraph [0076], line 11-13).

(4) Regarding claims 6 and 17:

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and 12. Furthermore, Bhetanabhotla teaches the system of claims 1 and 12, further comprising controlling a photo presentation based on the classification (Bhetanabhotla: paragraph [0019], lines 1-2).

(5) Regarding claims 7 and 18:

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and

12. Furthermore, Bhetanabhotla teaches the displaying of the family album (Bhetanabhotla: paragraph [0054], lines 4-6), where the photo frame contains label (Bhetanabhotla: paragraph [0129], lines 11-12) based on the classification (Bhetanabhotla: paragraph [0019], lines 1-2).

(6) Regarding claims 9 and 20:

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and 12. Furthermore, Bhetanabhotla teaches the method of claim 6, wherein the photo presentation is a slide presentation (paragraph [0155], lines 6-8).

(4) Regarding claims 10 and 21:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2), where the step of displaying a plurality of faces (paragraph [0036], line 3-4) displays the faces in order of similarity to the reference model (paragraph [0076], line 6-8), (the labeled faces is read as reference mode).

(5) Regarding claims 23 and 25:

Zhang et al. disclose a computer-based method and apparatus (paragraph [0027], lines 3-4) for organizing digital photos (paragraph [0004], line 1-2), comprising:

extracting objects of interest (face) from a plurality of digital photos (206 in Fig. 2, paragraph [0042], line 6-7, and paragraph [0043], line 1-9);

cropping said plurality of digital photos to generate images of isolated objects of interest (faces) (804 and 806 in Fig. 8, Fig. 9, paragraph [0083], line 1-2);

applying an object recognition algorithm to determine the similarity of isolated objects of interest (faces) which are generated from the plurality of digital photos (family

photographs) (paragraph [0082], lines 5-6) with a reference model (216 in Fig. 2, paragraph [0020], line 8-10);

displaying the images of isolated objects of interest (images of isolated faces) arranged as a function of the determined similarity (191 in Fig. 1, paragraph [0036], line 1-5), (the function of the determined similarity is read as the candidate name list which is stored according to the similarity measure, therefore the displaying of the images of unknown isolated faces is inherent);

associating the objects of interest (faces) with a particular classification (annotating of individual faces as multi-class classification) (paragraph [0076], line 11-13).

However, Zhang et al. do not teach explicitly the selecting of model folder which contains at least one image of object of interest.

Bhetanabhotla, in analogous environment, teaches a system of organizing information, wherein selecting model folder (category or file) (paragraph [0125], lines 3-8) and paragraph [0127], lines 4-5) which contains at least one image of object of interest (graphical images) (Abstract, lines 20-23).

It is desirable to have digital photo albums that can be viewed chronologically, or people-wise or location-wise or according to several subjects. The Bhetanabhotla's approach, where selecting category or file which contains at least one image of family member is to achieve this goal. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to apply the Bhetanabhotla teaching, where selecting category or file which contains at least one image of family member,

with the Zhang et al. system, because such combination makes digital photo albums that can be viewed chronologically, or people-wise or location-wise or according to several subjects (paragraph [0043], lines 1-3).

(6) Regarding claims 24 and 26:

The combination Zhang et al. and Bhetanabhotla teach the parental claim 23. Furthermore, Zhang et al. teach the displaying of the images of isolated objects of interest (faces) arranged as a function of the determined similarity with the reference model (Zhang: 191 in Fig. 1, paragraph [0036], line 1-5), (the function of the determined similarity is read as the candidate name list which is stored according to the similarity measure). Furthermore, Bhetanabhotla teaches selecting of model folder (paragraph [0125], lines 3-4).

6.   Claims 2, 8, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. and Bhetanabhotla, as applied to claims 1 and 12 above, and further in view of Hanna et al. (US 6,714,665).

(1) Regarding claims 2 and 13:

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and 12. However, the combination Zhang et al. and Bhetanabhotla do not teach explicitly the repeating of the recognition algorithm and the display as more objects are grouped as belonging to a certain identity.

Hanna et al., in analogous environment, teaches a recognition system which

obtains and analyze images, where repeating the step 1530 (column 21, line 19), (the repeating of step 1520 is read as the same concept as repeating the steps of recognition algorithm and the display).

It is desirable to identifying objects or individuals in a passive way that is both fast and accurate. The Hanna's approach, where repeating the step 1530 is to achieve this goal. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to apply the Hanna et al. teaching, where repeating the step 1530, with the combination Zhang et al. and Bhetanabhotla, because such feature identifying objects or individuals in a passive way that is both fast and accurate (column 1, line 51-53).

(2) Regarding claims 8 and 19:

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and 12. However, the combination Zhang et al. and Bhetanabhotla do not teach explicitly the controlling of a zoom function based on the classification.

Hanna et al., in analogous environment, teaches a recognition system which obtains and analyze images, where controlling the zoom function (column 11, line 12-13) based on the classification (column 12, line 6-9).

It is desirable to identifying objects or individuals in a passive way that is both fast and accurate. The Hanna's approach, where controlling zoom function based on classification is to achieve this goal. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to apply the Hanna et al. teaching, where controlling zoom function based on classification, with the combination

Zhang et al. and Bhetanabhotla, because such feature, identifying objects or individuals

in a passive way that is both fast and accurate (column 1, line 51-53).

7.   Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Zhang et al. and Bhetanabhotla, as applied to claims 1 and 12 above, and further

in view of Neff et al. (US 6,751,780).

The combination Zhang et al. and Bhetanabhotla teach the parental claims 1 and

12. However, the combination Zhang et al. and Bhetanabhotla do not teach wherein

user input drags an image of an object of interest into a display area associated with the

classification.

Neff et al., in analogous environment, teaches a user interface for initiating the

export of an optimized scanned document using drag drop, where the user input drags

an image of an object of interest into a display area (See the Abstract), (the display area

is read as scanner window) associated with the classification (column 5, line 48-51).

It is desirable to click on a selected region in a preview scan of a document and

drag it to an open application or a desktop to launch an optimized final scan of the

selected region. The Neff et al. approach, where the user input drags an image of an

object of interest into a display area is to achieve this goal. Therefore, it would have

been obvious to one having ordinary skill in the art at the time of the invention, to apply

the Neff et al. teaching, where the user input drags an image of an object of interest into

a display area, with the combination Zhang et al. and Bhetanabhotla, because such

feature makes a click on a selected region in a preview scan of a document and drag it

to an open application or a desktop to launch an optimized final scan of the selected

region (column 1, line 56-59).

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP

§ 706.07(a).   Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.   In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.   In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information:

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Amara Abdi whose telephone number is (571)270-1670.

The examiner can normally be reached on Monday through Friday 8:00 Am to 4:00 PM

E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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